

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LEON TAYLOR,)	8:06CV721
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
ROBERT HOUSTON,)	
)	
Respondent.)	
)	

This matter is before the court on Petitioner's motion for stay. (Filing No. 14.) In its order on initial review, the court asked Respondent to file a brief regarding whether this case constitutes "a second or successive habeas corpus application under section 2254." (Filing No. 7 at CM/ECF p. 2.) As the court noted, if this case constitutes a successive petition, the court cannot proceed absent authorization from the Eighth Circuit. 28 U.S.C. § 2244(b)(3)(A).

Although Respondent filed a brief on the successiveness issue, Petitioner instead sought a stay of this matter "to seek authorization from the appropriate court of appeals" in order to comply with 28 U.S.C. § 2244(b). (Filing No. 14 at CM/ECF p. 1.) The court will permit Petitioner to file the appropriate motion with the Eighth Circuit to receive authorization to proceed.

IT IS THEREFORE ORDERED that:

1. Petitioner's motion to stay proceedings (filing no. 14) is granted and this case is stayed in accordance with 28 U.S.C. § 2244(b)(3)(A).
2. The Clerk of the court shall provide the Court of Appeals with a copy of this memorandum and order.

3. The Clerk of the court is directed to set a pro se case management deadline with the following text: January 22, 2008: Check on status of authorization from Eighth Circuit.

October 16, 2007.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge